

BOARD OF FORESTRY AND FIRE PROTECTION

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**MANAGEMENT COMMITTEE MEETING REPORT**

-Meeting Held October 7, 2008-

MEETING ATTENDANCE

Committee Members Doug Piirto (Chair), Tom Walz, Pam Giacomini; Kimberley Sone, Helge Eng, Russ Henly, Giny Chandler, Allen Robertson, (*CAL FIRE*); Tom Hudson (Hudson Law Corp.); Richard Gienger (Humboldt Watershed Council); Bob Rynearson (Wm. Beaty & Associates); Bill Keye (CLFA); Paul Mason (Sierra Club); Addie Jacobson, Hugh Ewing (Ebbetts Pass Forest Watch).

NOTE: AGENDA ITEMS LISTED IN THE ORDER IN WHICH THEY WERE HEARD BY THE COMMITTEE.

AGENDA ITEM 1: CONTINUING REVIEW OF THE STATUTE AND REGULATIONS FOR SUSTAINED YIELD PLANS (SYPS).

Pursuant to the Committee's direction during the September Meeting, Board staff presented a draft Initial Statement of Reasons (ISOR) and accompanying proposed rule pleadings in support of revisions to the existing Forest Practice Rules for SYPs. Staff reviewed the proposal to amend two (2) existing rule sections (§§1091.4 & 1091.90 and adopt one (1) entirely new rule section (proposed §1091.15). Following discussion by the assembly, staff was directed to continue developing the draft ISOR. The Committee also directed staff to circulate the documents in their current form to SYP Workshop participants in anticipation of further discussion of this item at the November 2008 Committee meeting.

In the course of the discussion on this topic, Ms. Addie Jacobson and Mr. Hugh Ewing, representing Ebbetts Pass Forest Watch, noted that short timelines for plan review translate to difficulties with public involvement. Ms. Jacobson noted that in a typical THP review, the time allowed the public for comment and participation is very compressed. Requests for information, copies of the plan, etc. are dealt with through the Postal Service and this further reduces the public's opportunity for meaningful review and comment.

The assembly discussed *CAL FIRE*'s pilot program for electronic posting of harvesting plan documents and related materials. Ms. Jacobson provided a history of the legislation that was vetoed by the Governor in order to allow for *CAL FIRE*'s pilot program. ***Upon conclusion of this discussion, Board staff was directed to request a presentation by CAL FIRE on the status and outcomes of the pilot program. This item will be agendized for either the November or December Committee Meeting.***

AGENDA ITEM 2: DISCUSSION OF A MODIFIED TIMBER HARVESTING PLAN (MTHP) REGULATORY PROPOSAL FOR STREAMLINED PERMITTING OF LANDSCAPE FUEL HAZARD REDUCTION

Staff presented a revised draft Initial Statement of Reasons (ISOR) and accompanying draft regulatory language for consideration by the Committee. Following extensive discussion amongst the assembly, staff was directed to revise the draft ISOR and regulatory language consistent with the suggestions of the assembly. Staff will then present a revised ISOR with regulatory language for further review and discussion at the November 2008 Committee meeting.

AGENDA ITEM 4: UPDATE ON PUBLIC COMMENT TO DATE ON THE BOGGS MTN. DEMONSTRATION STATE FOREST MITIGATED NEGATIVE DECLARATION, INITIAL STUDY/CEQA CHECKLIST AND MITIGATION, MONITORING & REPORTING PROGRAM.

Assistant State Forest Manager, Kimberley Sone provided a comprehensive review of the limited public comment to date on the Management Plan Update and related CEQA documents.

This review also included Ms. Sone's draft response to those comments. The Committee made several suggestions for inclusion in Ms. Sone's draft response document. Ms. Sone noted that the most substantive comment letter was received from a member of the "Friends of Boggs Mountain," a local interest group whose founders include former Boggs Forest Manager, Norm Benson. This group has been very supportive of management activities on the Forest for some time. Ms. Sone indicated that she would be attending the upcoming meeting of the Friends and would continue to keep them informed of progress toward project approval by the Board.

Allen Robertson, Deputy Chief for Environmental Protection informed the Committee that a written response to comments was not required in the context of a Mitigated Negative Declaration, but could be written nonetheless. The Committee agreed that a written response should be prepared utilizing Ms. Sone's current draft responses upon conclusion of the 30-day public comment period. The public comment period ends on October 16, 2008.

The Committee noted that the MND could be ready for adoption by the Board at the upcoming November 2008 Meeting. Dr. Russ Henly, Assistant Deputy Director for Resource Protection requested that the Committee delay possible recommendation for Board-adoption in November. Dr. Henly explained that this delay is necessary to allow for the Demonstration State Forest Advisory Committee's tour and review of the Boggs Management Plan currently scheduled for sometime after the November Board Meeting. The Committee made it clear that while it welcomed the comments of the Advisory Group, this process of review has been under way for months now and need not be prematurely delayed at this time. The Advisory Group is encouraged to provide their comments prior to the close of public review on October 16, but may also provide comment for the Board's consideration up to the Meeting in November.

AGENDA ITEM 5: REVIEW OF THE REQUEST FOR A RECORDABLE EASEMENT FOR ACCESS TO A PARCEL THROUGH THE JACKSON DEMONSTRATION STATE FOREST.

State Forest Program Manager, Dr. Helge Eng provided an overview of the current easement requests for access across JDSF, including but not limited to the agendized easement request made on behalf of the Windlinx family. Dr. Eng with the assistance of Chief Counsel, Giny Chandler then highlighted existing Board Policy direction with regard to access across state lands, and distinguished between temporary access agreements and permanent recorded easements.

Mr. Thomas Hudson, a lawyer representing the Windlinx family, then proceeded to explain the rationale for the easement request. Mr. Hudson provided historical ownership information for the benefit of the Committee and asserted that the parcel was for all intents and purposes landlocked. The Windlinx family would like to sell the subject 8-acre property, formerly used for family vacation purposes, and that deeded access through JDSF was imperative in order to achieve maximum value for the sale. The property, which aside from a cabin is undeveloped, has heretofore been accessed through a temporary use agreement. Upon discussion, the Committee affirmed current Board Policy for the granting of permanent easements and unanimously endorsed the following recommendation to the full Board:

The Committee recommends that the Director deny the Windlinx request for permanent easement pursuant to existing Board Policy. The Director may, at his discretion, enter into a temporary use agreement that supports the historical use of the property.

AGENDA ITEM 3: PRESENTATION AND REVIEW OF DRAFT PTEIR GUIDANCE DOCUMENT.

Board staff presented the August 2008 draft of the document and reported on the Department's request to delay review of this draft document until the January Board Meeting. Mr. Richard Gienger offered several constructive comments on the draft and this prompted discussion of the overarching theme of the Department's varied perspectives. As a result of this discussion, the Committee decided to continue review of this draft document at the November 2008 meeting.

AGENDA ITEM 6: NEW AND UNFINISHED BUSINESS

Board staff noted that the Department was prepared to present a thorough review of the existing Forest Management Plan for Mountain Home Demonstration State Forest at the November Committee Meeting. This item will be agendaized for November, but may be delayed until December dependent upon the likelihood of getting to it following the other identified agenda items.

POTENTIAL AGENDA ITEMS FOR NOVEMBER COMMITTEE MEETING:

1. Continuing Review of the statute and regulations for Sustained Yield Plans (SYP).
2. Discussion of a Modified Timber Harvest Plan (MTHP) Regulatory Proposal for Streamlined Permitting of Landscape Fuel Hazard Reduction.
3. Review and Possible Approval of the Boggs Mountain Demonstration State Forest Management Plan Update, Mitigated Negative Declaration/Initial Study/CEQA Checklist and Mitigation Monitoring and Reporting Program. (Committee and Full Board).
4. PTEIR Guidance Document Review.
5. Review of Jackson Advisory Group Progress Report and Possible Approval of the Group's Proposed Work Plan. (Committee and Full Board).
6. Mountain Home Demonstration State Forest Management Plan Review.
7. Department Presentation on the Status and Outcomes of the Pilot Program for Electronic Posting of Timber Harvesting Plans.